

AFFIDAVIT OF RICHARD F. ATWOOD

I, Richard Atwood, being duly sworn, hereby depose and state the following:

INTRODUCTION & PURPOSE OF AFFIDAVIT

A. INTRODUCTION

Agent Background

1. I am a United States Postal Inspector employed by the United States Postal Inspection Service (USPIS), Boston Division, Rhode Island Domicile and have been so employed since June 2016. I have authority to enforce the criminal laws of the United States and to make arrests. I am a "federal law enforcement officer" within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request a search warrant.

2. I have been a law enforcement officer for approximately twenty-three (23) years. I was also previously a U.S. Postal Inspector from June 2003 to August 2009. In my capacity as a U.S. Postal Inspector, I investigate a wide variety of offenses and violations of federal criminal law, including offenses involving the transportation of controlled substances and other contraband through the United States Postal Service. From August 2009 to June 2016, I was a Special Agent with the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), assigned to the Office of the Special Agent-in-Charge, Boston (SAC/BOS), Airport/Seaport Group. In that position, I investigated a variety of offenses including violations involving contraband being imported and exported into and out of the United States. I received training by the USPIS in the investigation of contraband, including stolen goods, narcotics, and counterfeit documents being transported through the United States mails, and in addition, I received training by HSI in the investigation of smuggled goods and/or contraband over interstate and international lines. Prior to becoming a

U.S. Postal Inspector, I was a Police Officer with the Phoenix Police Department for approximately four years, and a Manchester, New Hampshire Police Officer for approximately eight months. Finally, I have a Bachelor of Arts Degree in History that I received while attending Framingham State College, in Framingham, Massachusetts.

3. In my capacity as a Postal Inspector/Special Agent for over 18 years, I have conducted or participated in hundreds of investigations involving the illegal manufacture, smuggling, and distribution of contraband, to include controlled substances, counterfeit merchandise and stolen goods. I have appeared before US District Court Judges in the Districts of Massachusetts, Rhode Island, Arizona, New Mexico and California on numerous occasions to swear to affidavits in support of search, arrest, and seizure warrants pertaining to the illegal manufacture, smuggling, and distribution of contraband, to include controlled substances, counterfeit merchandise and stolen goods and identities.

**B. GENERAL BACKGROUND CONCERNING THE SHIPMENT OF DRUGS AND
DRUG SALE PROCEEDS THROUGH THE U.S. MAILS**

4. Based on my training and experience, I am familiar with narcotics traffickers' methods of operation, including methods used by them to distribute, store, and transport narcotics and to collect, expend, account for, transport, and launder drug proceeds. I am also familiar with the manner in which narcotics traffickers use personal and rented cars and trucks, common carriers, mail, and private delivery services, and a variety of other motor vehicles, to: (a) meet with co-conspirators, customers and suppliers; (b) transport, distribute, and purchase narcotics; (c) transport funds used to purchase narcotics; and (d) transport the proceeds of narcotics transactions.

5. Based on my training and experience, I know that narcotic trafficking typically involves the local, interstate, and international movement of illegal drugs to distributors and co-

conspirators at multiple levels, and the movement of the proceeds of narcotics trafficking among multiple participants including suppliers, customers, distributors, and money launderers. Within the United States and the District of Rhode Island, illegal drugs and drug money are most often transported through the US Mail and other parcel companies.

6. I know from my training and experience and from drug trafficking intelligence information gathered by the USPIS that U.S. Postal Service Express Mail and Priority Mail are frequently utilized by drug traffickers for shipping drugs and drug proceeds. Use of Express Mail and Priority Mail are favored because of the speed, reliability, free telephone and Internet package tracking service, as well as the perceived minimal chance of detection. Express Mail was originally intended for urgent, business-to-business, correspondence. However, based on USPIS intelligence and my personal experience with numerous prior packages that were found to contain contraband, these types of packages containing contraband are usually sent from an individual to an individual.

7. In an effort to combat the flow of controlled substances through the U. S. mails, interdiction programs have been established in cities throughout the United States by the USPIS. These cities have been identified as known sources of controlled substances. The USPIS conducted an analysis of prior packages which were found to contain drugs and drug proceeds. The analysis of prior packages that were found to contain drugs or drug proceeds indicated that these packages are usually from an individual to an individual. In the few cases when Express Mail/Priority Mail packages containing drugs or drug proceeds have displayed a business or company name, it has usually proven to be a fictitious business or company. Additionally, this analysis has established a series of package characteristics which, when a package is found with a combination of two or more characteristics described below, have shown high probability that the package will contain a controlled substance or the proceeds of controlled substance sales.

These characteristics include the following: (1) package is mailed from or addressed to a narcotic source city; (2) package has a fictitious return/sender address or name; (3) package has address information which is handwritten; (4) the handwritten label on the Priority/Express Mail article does not contain a business account number, thereby indicating that the sender paid cash; (5) package is addressed from an individual to an individual and (6) package is heavily taped.

8. The facts in this affidavit come from my personal observations gained in the course of this investigation, my training and experience, law enforcement and public databases, evidence obtained in related investigations, as well as information reliably supplied by other agents and witnesses. This affidavit is intended to show merely that there is probable cause for the requested search warrant and does not set forth all of my knowledge about this matter. Finally, I relied upon a positive indication to the presence of narcotics from a certified narcotics canine.

Purpose

9. I submit this affidavit is submitted in support of an application for a search warrant authorizing the search of United States Postal Service Priority Mail Express Parcel Bearing Label Number EI 063 253 187 US (herein referred to as the "SUBJECT PARCEL").

10. A full description of the SUBJECT PARCEL to be searched pursuant to issuance of the search warrant is attached hereto as Attachment A. A list of items to be seized is attached hereto as Attachment B.

C. PROBABLE CAUSE

11. This investigation has uncovered evidence establishing probable cause to believe that the above listed SUBJECT PARCEL constitutes evidence of violations of Title 21, United States Code, Sections 841(a)(1), Possession with Intent to Distribute Controlled Substances, Title 21, United States Code, Section 846, Conspiracy to do the same and Title 21, United States

Code, Section 843(b), Using A Communication Facility to Commit, Cause or Facilitate the Commission of a Drug Felony.

12. On February 3, 2022, the Honorable Lincoln D. Almond authorized a search warrant for a Priority Mail Express Parcel, addressed to “Luis Fernandes” at “13 Marietta St Providence, RI 02904-2363¹”, (herein referred to as MARIETTA ST PARCEL 1). On the same day, Postal Inspectors Michael Maccarone, Sean Boyce and I executed the search warrant and discovered concealed within a doggie door (spray foamed inside); a brick like object wrapped in brown tape and carbon paper containing a white powdery substance that field tested positive (TruNarc) for Fentanyl. The total weight was 1.05 kilograms (1050 grams).

13. On February 7, 2022, the SUBJECT PARCEL, a Priority Mail Express Parcel bearing label number EI 063 253 187 US addressed to “Andrew Fernandez 13 Marietta Providencia RI 02904-2363” with a return address of “Carlos Torres 603 S Acacia Ave, Compton CA 90220” was observed in the mail stream at the Providence Processing & Distribution Center (P&DC), located at 24 Corliss Street Providence, RI. The package is approximately 16 inches long, 12 inches wide, and 3 ½ inches deep, weighing approximately 5 pounds, 7 ounces. The SUBJECT PARCEL Priority Mail Express label indicates that this parcel was mailed on January 31, 2022, at approximately 3:23 pm, from Gardena, CA 90247.

14. Based on my training and experience in narcotic related investigations, I know that California is a drug source state. In fact, I have previously intercepted and searched numerous suspicious parcels inbound from California, which has led to the discovery and seizure of illicit drugs. The SUBJECT PARCEL bore no business account number and based on USPS records, the individual who mailed the SUBJECT PARCEL, paid cash to ship it. The SUBJECT

¹ Please refer to case no. 22-SW-029-LDA

PARCEL address information was hand-written and was addressed from an individual to an individual.

15. Upon locating the SUBJECT PARCEL, which was packaged in a USPS Priority Mail parcel box that was bulging on both ends, I discovered the SUBJECT PARCEL was heavily taped, which I know based on my training and experience in narcotic related investigations, is an attempt to avoid K-9 detection from the odor of controlled substances.

16. As previously stated in my affidavit on February 3, 2022, while utilizing proprietary US Postal databases, I learned that either the same individual or device that was querying the status of MARIETTA ST PARCEL 1 was also querying the status of the SUBJECT PARCEL leading me to conclude that the packages were related. I have found in my training and experience that even when packages containing narcotics are shipped to different areas to avoid law enforcement detection, one individual will monitor the packages to ensure that they arrive on a timely basis and are not interdicted by law enforcement. It should be noted, the distance between the post offices where the SUBJECT PARCEL and the other parcel were mailed from is an approximately fifteen-minute drive.

D. ADDRESS INFORMATION

17. Regarding the sender information, through the use of U.S. Postal Database/Postal verifications systems and CLEAR databases, which maintains names, addresses, and zip code information, I verified that “603 S Acacia Ave, Compton CA 90220” was a legitimate address; however, the sender, “Carlos Torres” was not associated with the return address listed on the SUBJECT PARCEL. In fact, the address “603 S Acacia Ave, Compton CA 90220” is the address for one of the administration buildings for Compton High School. Based on the USPIS analysis described above and my own experience, I know that narcotics traffickers often use fictitious sender names, along with existing return addresses on parcels containing controlled

substances or proceeds from the sale of controlled substances. The existing return address lends a legitimate appearance to the parcel. In the event the parcel is intercepted by law enforcement, the false sender name protects the true identity of the mailer.

18. Regarding the addressee information, I verified that the address, “13 Marietta Providencia RI 02904-2363” was a legitimate address; however, the parcel recipient, “Andrew Fernandez” was not associated with the address.

E. CANINE RESPONSE

19. On February 11, 2022, Police K-9 Trooper Justin Andreozzi of the Rhode Island State Police K-9 Unit, agreed to assist me by conducting an examination of the SUBJECT PARCEL with his narcotics trained K-9 Riggs. K-9 Riggs is certified in the detection of heroin, and cocaine by the New England State Police Administrators Conference (NESPAC). Trooper Andreozzi advised that K-9 Riggs has previously been reliable in the detection of narcotics and has been responsible for numerous narcotic and currency seizures.

20. The SUBJECT PARCEL was placed in an area known to be free from contamination by narcotic odors. Other packages were also placed in each area as controls. Trooper Andreozzi had K-9 Riggs search each of this area. Upon arriving at the SUBJECT PARCEL, K-9 Riggs reacted in a positive manner, indicating the presence of a narcotic odor. No further indications were observed in the search area. A positive alert by a certified narcotics canine is a strong indicator that the parcel contains narcotics or something, such as proceeds, that has been in close proximity to narcotics.

F. CONCLUSION

21. Based on these facts, I believe there is probable cause to believe that the SUBJECT PARCEL contains controlled substances or proceeds from the trafficking of controlled substances, constituting evidence of violations of Title 21, United States Code,

Sections 841(a)(1), Possession with Intent to Distribute Controlled Substances, Title 21, United States Code, Section 846, Conspiracy to do the same and Title 21, United States Code, Section 843(b), Using A Communication Facility to Commit, Cause or Facilitate the Commission of a Drug Felony. Accordingly, I respectfully request that this Court issue a search warrant authorizing the search of the SUBJECT PARCEL described in Attachment A for the evidence described in Attachment B.

I declare that the foregoing is true and correct.



Richard Atwood
Postal Inspector
United States Postal Inspection Service

Attested to by the applicant in accordance with the requirements of Fed.
R. Crim. P. 4.1 by _____.
(specify reliable electronic means)

Date

Judge's signature

City and State,

Patricia A. Sullivan, U.S. Magistrate Judge

ATTACHMENT A

(Description of the SUBJECT PARCEL to be searched)

One Priority Mail Express Parcel bearing label number EI 063 253 187 US addressed to “Andrew Fernandez 13 Marietta Providencia RI 02904-2363” with a return address of “Carlos Torres 603 S Acacia Ave, Compton CA 90220” was observed in the mail stream at the Providence Processing & Distribution Center (P&DC), located at 24 Corliss Street Providence, RI. The package is approximately 16 inches long, 12 inches wide, and 3 ½ inches deep, weighing approximately 5 pounds, 7 ounces. The SUBJECT PARCEL Priority Mail Express label indicates that this parcel was mailed on January 31, 2022, at approximately 3:23 pm, from Gardena, CA 90247. The package is currently in the possession of the United States Postal Inspection Service.



ATTACHMENT B

(Items to be searched for and seized)

Items, documents, records, files, and other information that constitutes evidence, fruits, and/or other instrumentalities of violations of Title 21, United States Code, Sections 841(a)(1), Possession with Intent to Distribute Controlled Substances, Title 21, United States Code, Section 846, Conspiracy to do the same and Title 21, United States Code, Section 843(b), Using A Communication Facility to Commit, Cause or Facilitate the Commission of a Drug Felony, including but not limited to narcotics, money, records relating to narcotics and/or money, and/or records relating to the identity of the individual who shipped the package or the intended recipient of the package.